THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Court's order whether the case is or not approved for reporting

(Chapter VIII, Rule 32(2) (b))

Description of Case

W.P. No. 785 (M/S) of 2003, Date of decided on 11-9-2003

Lalit Kumar Vs. V.C. G.B. Pant University & others

A.F.R. (approved for reporting)

~~Not approved for repor~~ting

Date Initials of Judge

11/9/2003

Note :- Bench Reader will attach this at the top of the first page of the judgment when it is put up before the Judge for signature.

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No.785 (MS) of 2003

Lalit Kumar son of Sri Mahendra Singh
R/o Village Rahmapur, Tehsil Kashipur,
District Udham Singh Nagar ……Petitioner

Versus

1. Vice Chancellor; G.B. Pant University
   Of Agriculture and Technology, Pantnagar
2. Deen, B.V.Sc. & A.H. G.B. Pant University
   Of Agriculture and Technology, Pantnagar
3. Registrar, G.B. Pant University of Agriculture
   And Technology, Pantnagar. …….. Respondents

Sri Dharam Veer, Advocate for the petitioner.
Sri Rajendra Dobhal, Advocate for the respondents.

Hon'ble Rajesh Tandon J.

By the present writ petition the petitioner has prayed for an order or direction in the nature of mandamus directing the respondents no.1 to 3 not to drop further study of the petitioner for Bachelor of Veterinary Science and Animal Husbandry (B.V.Sc. & A.H.) course in G.B. Pant University of Agriculture and Technology, Pantnagar.

Heard Sri L.P. Naithani, Sr. Advocate assisted by Sri Dharm Veer, Advocate for the petitioner and Sri Rajendra Dobhal, Advocate for the respondent.

Brief facts of the case are that the petitioner was selected for the course of B.V.Sc. and A.H. in the year 2001 and was admitted in the G.P. Pant University of Agriculture and Technology. The contention

of the petitioner is that according to the prospectus of the University degree course contains minimum 10 semesters and maximum 16 semesters and the degree course is for five years. There is no dispute to the fact that there are two semesters in a year. The petitioner appeared in the first year degree course of B.V.Sc. and A.H. and got compartment in 5 subjects. He again appeared in first professional B.V. Sc. And A.H. Annual examination 2002-2003 but there is also compartment in 3 subjects. The grievance of the petitioner is that he has passed intermediate examination in Hindi medium and is the resident of a Rural Area due to which he was weak in English therefore, he faced the problem of completing the semester in time.

The petitioner has alleged that as per prospectus maximum semester to pass his course is 16 hence 12 semesters are still available to pass the course and he is hopeful to complete the same.

The petitioner further has alleged that he is entitled to be given opportunity to improve. As the respondents are not allowing the petitioner to continue study of B.V.Sc. & A.H. while 12 semesters of the petitioner is still available. The normal and maximum duration of programme is quoted below:

Normal and Maximum Duration of the programme:

The normal and maximum duration of various degree programmes is as per details given below. A student is required to complete all his/her degree requirements within the period specified, as below failing which he/she may be rendered ineligible for award of the degree.

S.No.	**Degree**	**Normal Duration**	**Maximum Duration**	**Maximum duration for part-time students (full time staff)**
1.	B.V.Sc. & A.H.	10 semesters	16 semesters	20 semesters

Sri Rajendra Dobhal has produced Academic Regulations for the degree programme and according to him University has rightly dropped the petitioner on account of poor academic performance. The criteria for dropping from the university has been quoted below:

Dropping from the University

(i) *If the student fails in the annual/board examination as well as compartment examination for two consecutive academic years/session in theory and or practical in the first professional (first year) of B.V.Sc.& A.H. degree programme, he/she shall be finally dropped from the University on account of poor academic performance.*

Approved in 310th meeting of Academic Council held on 14.5.1999 under item No.99: 310: 6.2.

(ii) *If a student fails to secure Over All Grade Point Average (OGPA) of 5.00 out of 10.00 at the end of degree programme, he/she shall not be eligible to get B.V. Sc. & A.H. degree.*

The petitioner has prayed that he has already preferred a representation before the authorities and they may be directed to hear the petitioner and to decide it by a reasoned order. I hope that the University authorities shall consider the representation of the petitioner sympathetically.

The authorities will also consider as to whether there is possibility of improvement of the petitioner. The theory of reformative and improvement is an ancient method. I hope and trust that the University authorities shall follow in the interest of educational carrier of a student.

Without recording any findings on the merits of the controversy, both the parties have agreed that the grievance of the

petitioner shall be adjudicated by deciding his representation dated 1.9.2003 which forms part of Annexure-1 of the rejoinder affidavit. The representation of the petitioner shall be disposed of after hearing the petitioner within a period of one month from the date of filing of certified copy of this order.

With these observations the writ petition is finally disposed of.

(Rajesh Tandon, J.)

11.09.2003
Dhyani